

STATE OF WISCONSIN

D. A. Case No. 2006CA000105

Plaintiff,

-VS-

CRIMINAL COMPLAINT

Brendan R. Dassey
12930A Avery Road
Two Rivers, WI 54241
DOB: [REDACTED]/1989
Sex/Race: M/W

Case No. _____

Defendant,

Thomas Fassbender, Special Agent with the Wisconsin Department of Justice, Division of Criminal Investigations, being first duly sworn, states that:

Count 1: FIRST DEGREE INTENTIONAL HOMICIDE - PTAC, AS A PARTY TO A CRIME

The above-named defendant on Monday, October 31, 2005, at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin, as a party to a crime, did cause the death of Teresa M. Halbach, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.05 Wis. Stats., a Class A Felony, and upon conviction shall be sentenced to imprisonment for life.

Count 2: MUTILATING A CORPSE - PTAC, AS A PARTY TO A CRIME

The above-named defendant on Monday, October 31, 2005, at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin, as a party to a crime, did mutilate, disfigure or dismember a corpse with the intent to conceal a crime, contrary to sec. 940.11(1), 939.50(3)(f), 939.05 Wis. Stats., a Class F Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than twelve (12) years and six (6) months, or both.

Count 3: FIRST DEGREE SEXUAL ASSAULT - PTAC, AS A PARTY TO A CRIME

The above-named defendant on Monday, October 31, 2005, at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin, as a party to a crime, did have sexual intercourse with Teresa M. Halbach, without that person's consent by use of a dangerous weapon, contrary to sec. 940.225(1)(b), 939.50(3)(b), 939.05 Wis. Stats., a Class B Felony, and upon conviction may be sentenced a term of imprisonment not to exceed sixty (60) years.

PROBABLE CAUSE:

Complainant states that he is a Special Agent with the Wisconsin Department of Justice, Division of Criminal Investigations, and bases this complaint upon the reports and investigations of Deputy Bill Tyson, Deputy Dan Kucharski, Cpl. Leslie Lemieux and Investigator Mark Wiegert of the Calumet County Sheriff's Department, as well as statements of witnesses Ken Bennett, Leslie Eisenberg, Dr. Donald Simley, Sherry Culhane, Karen Halbach, Steve Harrington and statements of defendants Steven A. Avery

and Brendan R. Dassey. The statements of Deputy Tyson, Deputy Kucharski, Cpl. Lemieux and Investigator Wiegert are presumed to be truthful and reliable as made by sworn law enforcement officials; the statements of witnesses Ken Bennett, Leslie Eisenberg, Dr. Donald Simley, Sherry Cuthane, Karen Halbach, and Steve Harrington are presumed truthful and reliable as citizen informants; and the statements of defendants Steven A. Avery and Brandon R. Dassey are presumed truthful and reliable as they were made against their penal interests.

Complainant is informed that on November 3, 2005, Karen Halbach contacted the Calumet County Sheriff's Department. Halbach stated that her daughter, Teresa Marie Halbach, DOB: [REDACTED] 1980, had not been seen or heard from since Monday, October 31, 2005. Halbach said it was unusual for Teresa not to have had personal or telephone contact with her family or friends for that length of time. Halbach stated that her daughter was driving a 1999 Toyota Rav 4, dark blue in color, bearing Wisconsin license plate #SWH582. Complainant is informed that Corporal Leslie Lemieux of the Calumet County Sheriff's Department obtained Wisconsin Department of Transportation records for Wisconsin license plate #SWH582. The records outlined that the vehicle with Wisconsin license plate #SWH582 is owned by Teresa M. Halbach, and the VIN for said vehicle is JT3HP10V5X7113044.

Complainant is informed that on November 5, 2005, officers received information from volunteer searchers that they had located a vehicle matching the description of the vehicle owned by Teresa Halbach at Avery Auto Salvage located on Avery Road in the Town of Gibson, County of Manitowoc, Wisconsin. Volunteer searchers had received verbal consent to search Avery Auto Salvage yard by Earl Avery. Law enforcement was provided with a partial VIN number and detailed description of the Rav 4 located at Avery Auto Salvage, which was consistent with that belonging to Teresa M. Halbach. During a visual observation of the vehicle, law enforcement officials noted that there were tree branches covering the vehicle and also vehicle parts placed alongside of the vehicle which looked as though someone had attempted to conceal the vehicle.

On November 5, 2005, a search warrant was obtained and executed for Avery Auto Salvage, which included the residences, outbuildings, vehicles and property. During the execution of the search warrant, Teresa Halbach's 1999 Toyota Rav 4, VIN #JT3HP10V5X7113044, was found partially concealed. The vehicle was subsequently seized, secured in an enclosed trailer and transported to the Wisconsin Crime Laboratory for subsequent search and analysis. On November 6, 2005, a preliminary report was received from the Wisconsin State Crime Lab indicating a presumptive positive finding of human blood located within the interior of Teresa Halbach's vehicle. Steven Harrington of the State of Wisconsin Crime Laboratory confirmed that technicians had located the presumptive human blood in the rear cargo portion of the vehicle as well as near the ignition area of the vehicle.

Complainant is informed that during a search of the residence of Steven A. Avery, law enforcement located items of restraints within Avery's residence, including handcuffs and leg irons. Complainant is informed that on November 6, 2005, Deputy Dan Kucharski searched Steven Avery's bedroom located at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin, where officers located two firearms, identified as a .22 caliber semi-automatic rifle and a .50 caliber black powder muzzleloader. Also on November 6, 2005, officers carried out a search of a detached garage next to the Steven

Avery residence located at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin. Officers located eleven spent .22 caliber long rifle shell casings on the floor of the garage.

Complainant is informed that on November 8, 2005, Deputy Dan Kucharski searched Steven Avery's bedroom located at 12932 Avery Road, Town of Gibson, Manitowoc County, Wisconsin. Deputy Kucharski and Manitowoc County Sheriff's Department Lieutenant James Lenk located a Toyota ignition key adjacent to a book case. Complainant is informed that the key located in the bedroom of Steven Avery's residence was successfully used in the ignition of the Toyota Rav 4 owned by Teresa M. Halbach; the key successfully turned the ignition of the Halbach vehicle.

Complainant is informed that on November 8, 2005, while continuing to execute the search warrant of the Avery Auto Salvage property located on Avery Road in the Town of Gibson, Manitowoc County, Wisconsin, law enforcement officials located two Wisconsin license plates, bearing Wisconsin license plate #SWH582, in a scrapped vehicle located on the north end of the salvage yard. The plates were crumpled. The recovered license plates were later identified as the license plates that belonged to the 1999 Toyota Rav 4 owned by Teresa M. Halbach.

Complainant is informed that on November 5, 2005, officers located a burn barrel near the residence of Steven Avery located at 12932 Avery Road, in the Town of Gibson, County of Manitowoc, Wisconsin. In that burn barrel, officers located a burned "Magnovox M3 Razor" cell phone and "Cannon Powershot A310" digital camera. Investigators determined that Teresa Halbach purchased a M3 Razor cell phone in late August of 2005. Halbach also owned a Powershot A310 digital camera and used that camera in her occupation with Auto Trader Magazine.

Complainant is informed that on November 8, 2005, while continuing to execute the search warrant of the property located near the residence of Steven Avery located at 12932 Avery Road in the Town of Gibson, Manitowoc County, Wisconsin, officers located bone fragments and teeth in a fire pit area located approximately 20 yards south of a detached garage that is located next to the residence of Steven Avery. Officers also located remnants of steel belts of tires that appear to have been utilized as fire accelerants.

The bone fragments located were transported by Dorinda Freymiller, a special agent with the Division of Criminal Investigations, to Ken Bennett, a retired forensic anthropologist, who identified the bones as being human in nature. Bennett also determined that based on the characteristics of the bone, the bones are consistent with an adult human female.

On November 14, 2005, Leslie Eisenborg, Forensic Anthropologist, described the bone fragments as the obvious result of mutilation of a corpse. Eisenborg stated that almost every bone in the body or body area is present and has been recovered from the scene.

Tooth fragments that were located in the burn pit area were delivered to Dr. Donald Simley, who is board-certified in forensic odontology and has been practicing forensic dentistry since 1981. Dr. Simley's analysis of the tooth fragments indicated the presence of human teeth.

On November 9, 2005, Steven A. Avery provided a statement to your complainant indicating that the victim, Teresa Halbach, was at his home on October 31, 2005, between 2:00 and 3:00 p.m. Avery stated that he resides at 12932 Avery Road in the Town of Gibson, Manitowoc County, Wisconsin. Avery denied ever being in the victim's car and indicated that there was no way his blood could be in her car. Avery admitted to having personal contact with Teresa Halbach that day in his driveway outside of his residence. Avery stated that he paid Teresa Halbach \$40 in cash and indicated that Halbach gave him an Auto Trader Magazine at that time.

On November 14, 2005, your complainant reviewed a report submitted by Sherry L. Culhane, DNA Analyst with the Wisconsin Department of Justice, Division of Law Enforcement Services, Wisconsin State Crime Laboratory. Culhane indicates that blood found in the interior portion of Teresa Halbach's vehicle (including on the driver's seat; the ignition area; the front passenger seat; and the rear passenger door entrance) match the DNA profile for Steven A. Avery. Culhane also indicates that DNA material found on the Toyota ignition key, seized from Avery's bedroom, matched the DNA profile of Steven A. Avery.

Culhane's report further indicates that blood found in the rear cargo area of the Toyota Rav 4 was analyzed, and found to match DNA found upon a "Wild Cherry Pepsi" can recovered from the front console of the vehicle. Culhane indicates both DNA samples originate from the same female individual. Culhane compared both samples to a DNA profile generated from a "pap smear" of the victim, Teresa Halbach, and found the DNA profiles to be a match.

On November 15, 2005, in a preliminary report, Culhane indicated to your complainant that a partial DNA profile developed from charred tissue recovered from the burn area is consistent with the female DNA profile developed from the human blood stain in Teresa Halbach's vehicle, as well as the "Wild Cherry Pepsi" can also located in Teresa Halbach's vehicle. This tissue DNA profile was further found to be consistent with the DNA profile developed from the victim's pap smear sample.

On February 27, 2006, Investigator Mark Wiegert of the Calumet County Sheriff's Department interviewed Brendan R. Dassey, DOB: [REDACTED] 1989, who stated that on October 31, 2005, at approximately 3:45 p.m., he got off the school bus and went to his residence which is located next door to Steven Avery's residence at 12932 Avery Road. Dassey stated that he saw Teresa Halbach's vehicle.

On March 1, 2006, Investigator Mark Wiegert and your complainant, Special Agent Thomas Fassbender, again interviewed the defendant, Brendan R. Dassey, DOB: [REDACTED] 1989, regarding the disappearance and subsequent homicide of Teresa Halbach.

Dassey stated that on October 31, 2005, he went to pick up the mail on his bike and, upon returning, he saw that there was a letter for Steven Avery. Dassey stated that on his way to Steven Avery's trailer, he passed a burn barrel located on Avery's property. Dassey stated that he looked into the burn barrel and observed a cell phone and camera inside of the barrel. Dassey stated that while approaching the Avery residence on his bike, he heard screams for help coming from Avery's trailer.

Dassey stated that he then went to Steven Avery's trailer to deliver the mail. Dassey stated that when he approached the door to Steven Avery's residence, he continued to hear screams coming from inside the trailer. Dassey described those screams as a female voice screaming, "Help me." Dassey indicated that he knocked on the door three times and waited for Steven Avery to come to the door. Dassey stated that after several minutes, Steven Avery came to the door and Dassey noted that Avery was covered in sweat. Dassey stated that Steven Avery invited him into the kitchen area of the residence. Dassey stated that Steven Avery asked him if he wanted to get some of that stuff and then asked Dassey if he wanted to get some "pussy." Dassey stated that Steven Avery told Dassey that he had "fucked" Teresa Halbach and wanted to keep doing it and stated that he wanted to "fuck her so hard." Dassey indicated that Steven Avery encouraged him to sexually assault Teresa Halbach as well.

Steven Avery then escorted Dassey into Steven's bedroom where Dassey observed Teresa Halbach lying face up on Steven Avery's bed. Dassey indicated that Teresa Halbach was nude and was restrained to the bed with handcuffs and leg irons. Dassey stated that Teresa Halbach was begging him to help her, saying things such as tell him to stop and don't do this. Dassey stated that Steven Avery told him to "do her" and "screw her." Dassey stated that he then had sexual intercourse with Teresa Halbach while Steven Avery watched. Dassey stated that he had sexual intercourse with Teresa Halbach for approximately five minutes. Dassey stated that during this time, Teresa Halbach was asking him not to do it, asking him to tell Steven to knock it off, and asking him to uncuff her, and that Halbach was crying.

Dassey stated that he then put his clothes on, and he and Steven then went out into the living room and watched TV. Dassey stated that Steven Avery had closed the bedroom door. Dassey stated that they were in the living room approximately 10 to 15 minutes. Dassey stated that Steven Avery told him, "That's how you do it" and asked Dassey if it felt good. Dassey stated that Avery told him he did a good job and that he was proud of him. Dassey stated that Steven Avery told him he was going to kill Halbach, specifically tie her up, stab her and choke her. Dassey stated that Steven Avery also talked about getting rid of her body and that he wanted to burn her body.

Dassey stated that after approximately 10 minutes, he and Steven Avery returned to the bedroom, where Teresa Halbach was still restrained and begging for help. Dassey stated that Steven Avery had a knife, which Dassey described as being between six and eight inches long, that Avery had obtained from the kitchen area. Dassey stated that Steven Avery told Halbach that he was going to kill her and that he was not going to let her go, while threatening her with the knife. Dassey stated that Avery then used the knife and stabbed Teresa Halbach in the stomach area. Dassey stated that Steven Avery then handed Dassey the knife and told Dassey to "cut her throat." Dassey stated that he then went over to Teresa Halbach and cut her throat with the knife. Dassey stated that Avery then told Dassey to cut some of Teresa Halbach's hair off, and Dassey stated that he did. Dassey stated that Teresa Halbach was still alive at that time, so Steven Avery went over to Teresa and put his hands around Halbach's neck and strangled her for approximately two to three minutes. Dassey stated that Steven Avery then went to the bathroom and washed the blood off of his hands. Dassey stated that during this period of time, Steven also punched Teresa Halbach and had told her to shut her mouth.

Dassey stated that he and Steven Avery then unshackled Teresa Halbach and tied her up with rope. Dassey and Steven Avery then carried the body of Teresa Halbach into Steven Avery's detached garage, where they placed her in the back of her Toyota Rav 4. Dassey stated that he believed that Teresa Halbach was dead because he did not see her stomach moving anymore while they were carrying her. Dassey stated that Steven Avery wanted to take Teresa's body and dump it in a pond in the Avery Salvage Yard. Dassey stated that Avery then decided to burn the body instead. Dassey stated that there was already a fire burning in the burn pit behind Steven Avery's garage; Dassey had observed this fire burning when he first arrived at Steven Avery's trailer. Dassey and Steven Avery then removed Teresa Halbach's body from the vehicle and placed her body on the garage floor. Dassey stated that Steven Avery then went to his residence and retrieved a .22 caliber rifle and returned to the garage, where he proceeded to shoot Teresa Halbach approximately ten times. Dassey stated that he shot her at least once and possibly three times in the left side of her head, and the remaining shots were to the mid-section of Teresa Halbach's body. Dassey stated that he did not know why Steven Avery shot Teresa Halbach.

Dassey stated that he and Steven Avery placed Teresa Halbach's body onto a roller creeper and then transported her body to the fire which was already burning behind Steven Avery's garage. Dassey stated that he and Steven Avery placed Teresa Halbach's body on the fire and proceeded to place tires and brush on top of her. Dassey stated that he and Steven Avery then used a golf cart to retrieve additional items, including a car seat, a wood cabinet, and additional brush and tires, which they then placed on top of Teresa Halbach's body in the fire pit.

Dassey stated that Steven Avery then drove Teresa Halbach's Toyota Rav 4 back by the trees of the Avery Salvage Yard near the pond. Dassey stated that he accompanied Steven Avery in Teresa Halbach's vehicle. Dassey stated that he and Steven Avery tried to conceal the vehicle by covering it with branches and a car hood. Dassey stated that Steven Avery then removed the license plates from Teresa Halbach's vehicle and then opened the vehicle hood. Dassey stated that he did not know what Avery did under the hood, however. Dassey stated that he and Steven Avery then returned to Avery's trailer using the "long way." Dassey stated that upon returning to Avery's trailer, he observed Avery place the key for Teresa Halbach's Toyota Rav 4 in a dresser drawer in Avery's bedroom. Dassey stated that Steven Avery told him that he was glad Dassey had helped him. Dassey stated that he and Steven Avery then removed the sheets from Avery's bed and took them out to the fire pit and placed them in the fire. Dassey stated that Steven Avery had him throw Teresa Halbach's clothing, which were "full of blood cleaned up" on the fire. Dassey stated that Steven then asked Dassey to assist him in cleaning the garage floor. Dassey stated that there were two areas of blood located on Steven Avery's garage floor. Dassey stated that he and Steven Avery used gasoline, paint thinner and bleach to clean the floor. Dassey stated that he then received a phone call from his mother telling him that he needed to be home by 10 p.m. Dassey stated that he then returned to his residence, at which time he noticed the bleach stains on his pants.

Dassey stated that he recalled that Steven Avery received two telephone calls from Avery's girlfriend, Jodi. Dassey stated that he believed that both telephone calls were received while Teresa Halbach was still restrained in Avery's bedroom.

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Dassey stated that Steven Avery had been scratched on the finger and that it was bleeding, and he remembered Steven putting a bandaid on it when he went into his residence to get the bleach. Dassey stated that Steven Avery told him he was going to crush Teresa Halbach's car and commented, "The sooner the better."

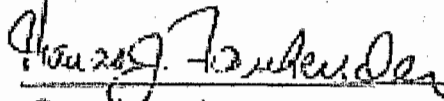
Dassey stated he spoke with Steven Avery at a later date, and Avery told him that he attempted to bury some of Halbach's bones as well as chopped them up with a shovel. Dassey also stated that Steven Avery told him he used a pail and removed some of her bones from the burn pit and dumped them in the gravel pit to the west of Steven Avery's property.

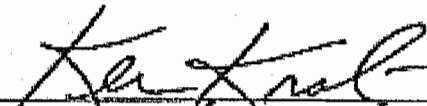
On February 27, 2006, your complainant spoke with Barb Janda. Barb Janda stated on October 31, 2005, when Brendan Dassey returned from Steven Avery's residence, Dassey had bleach stains on his jeans. Barb Janda asked Dassey what happened to his jeans, and he told her that his jeans were bleached while he was helping Steven Avery clean his garage floor with bleach. On March 1, 2006, Investigator Wiegert recovered the jeans worn by Dassey on October 31, 2005. Investigator Wiegert noted that the jeans contained bleach spots and other stains.

Based on the foregoing, the complainant believes this complaint to be true and correct.

Subscribed and sworn to before me,
and approved for filing on:

This 2nd day of March, 2006.


Complainant


Kenneth R. Kratz
Calumet County District Attorney
Manitowoc County Special Prosecutor

State Bar No. 1013996